

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
32/1198US(3)

Total Pages in this Submission  
4

## TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application

P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**Lenticular Refractive Surgery of Presbyopia, Other Refractive Errors, and Cataract Retardation**

and invented by:

Raymond Myers  
Ronald Krueger

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 09/897,585

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/312,518

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 08/821,903

Enclosed are:

### Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 48 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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**(Small Entity)**

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**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal      Number of Sheets      8
- b. ☐ Informal      Number of Sheets      \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)*      ☒ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class      ☒ Express Mail *(Specify Label No.):* ER467895182US

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

**Total Pages in this Submission**  
**4**

☐ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted:

- |  |
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***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

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**(Small Entity)**

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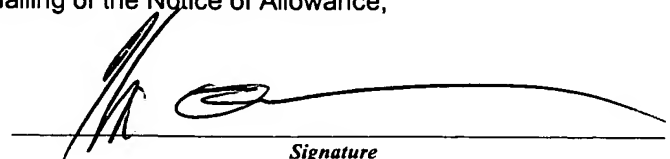
**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	36	- 20 =	16	x \$9.00	\$144.00
Indep. Claims	4	- 3 =	1	x \$43.00	\$43.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>BASIC FEE</b>					\$385.00
<b>OTHER FEE (specify purpose)</b> _____					\$0.00
<b>TOTAL FILING FEE</b>					\$572.00

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☐ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☐ Credit any overpayment.
- ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: January 2, 2004

  
Signature

Kirk A. Damman  
Lewis, Rice & Fingersh, LC  
Box IP Department  
500 North Broadway, Suite 2000  
St. Louis, MO 63102

cc:

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>			Docket No. 32/1198US(2)
Applicant(s): Meyers			
Serial No. 09/897,585	Filing Date June 29, 2001	Examiner D. Shay	Group Art Unit 3739
Invention: Correction of Presbyopia, Other Refractive Errors and Cataract Retardation			
I hereby certify that the following correspondence: <div>Extension of Time Under 37 CFR 1.136(a), PTO Credit Card Payment Form, Certificate of Express Mailing and acknowledgement p/c</div> <p>(Identify type of correspondence)</p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p>January 2, 2004 (Date)</p> <p>Angela D. Smith (Typed or Printed Name of Person Mailing Correspondence)</p> <p>Angela D. Smith (Signature of Person Mailing Correspondence)</p> <p>ER467895182US ( "Express Mail" Mailing Label Number)</p>			
Note: Each paper must have its own certificate of mailing.			

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>			Docket No. 32/1198US(3)
Applicant(s): Raymond Myers and Ronald Krueger			
Serial No. TBA	Filing Date January 2, 2004	Examiner TBA	Group Art Unit TBA
Invention: Lenticular Refractive Surgery of Presbyopia, Other Refractive Errors, and Cataract Retardation			
I hereby certify that the following correspondence: <div>Utility Patent Application (48 pgs, 8 drawing sheets), Utility Application Transmittal, Unexecuted Declaration, Certificate of Express Mailing and Acknowledgement p/c</div> <p>(Identify type of correspondence)</p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p>January 2, 2004 (Date)</p> <p>Angela D. Smith (Typed or Printed Name of Person Mailing Correspondence)</p> <p>Angela D. Smith (Signature of Person Mailing Correspondence)</p> <p>ER467895182US ( "Express Mail" Mailing Label Number)</p>			
Note: Each paper must have its own certificate of mailing.			